

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SPECIAL TOUCH HOME CARE
SERVICES, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Case No. 1:20-cv-03051-NGG-RLM

NOTICE OF DEFENDANT UNITED STATES OF AMERICA’S MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Defendant United States’ Motion to Dismiss; the Defendant United States’ Memorandum of Law in Support of Its Motion to Dismiss, dated April 12, 2021; the accompanying Declaration of Thelma A. Lizama, dated April 12, 2021, and the Exhibits annexed thereto, Defendant United States of America, by its attorney, Thelma A. Lizama, Tax Division, United States Department of Justice, hereby moves this Court, before the Honorable Nicholas G. Garaufis, United States District Court, Eastern District of New York, for an order dismissing plaintiff Special Touch Home Care Services, Inc’s complaint pursuant to Rule 12(h)(3) of the Federal Rule of Civil Procedure for lack of subject-matter jurisdiction and based upon the sovereign immunity of the United States.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court’s scheduling order, Docket No. 17, a response must be served upon the United States on or before Monday, May 3, 2021.

Respectfully submitted,

DAVID A. HUBBERT
Acting Assistant Attorney General
Tax Division, U.S. Department of Justice

/s/ *Thelma A. Lizama*
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CERTIFICATE OF SERVICE

I certify that service of the foregoing Notice of Defendant United States of America's Motion to Dismiss has this 12th day of April, 2021, been made upon counsel for plaintiff Special Touch Home Care Services, Inc. via email.

/s/ Thelma A. Lizama

THELMA A. LIZAMA

Trial Attorney